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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,311	02/15/2001	Lawrence D. Hartsook	22253-05099	7055
758	7590	11/30/2005		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER KINDRED, ALFORD W	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/788,311	Applicant(s) HARTSOOK ET AL.	
	Examiner Alford W. Kindred	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to communications: RCE, filed on 11/14/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al., US# 2002/0133412 A1, in view of Lincke et al., US# 20030197719 A1.

As per claims 1 and 13, Oliver et al. teaches "identifying a symbol in the data in the markup language, the symbol indicating a query of a data set" (see page 13, paragraphs [0307] and [0315]) "accessing the data set in order to generate a resolution to the query" (see page 15, paragraphs [0345]-[0349]). Oliver et al. does not explicitly teach "dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language." Lincke et al. teaches "dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language" (see paragraph [0094]-[0095], wherein Lincke's dynamic query element includes the implementation of a markup language in a fashion illustrative of applicant's claim language). It would have been obvious at the time of the invention for one of ordinary

skill in the art to have combined the teachings of Oliver and Lincke, because using the steps of “dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language” would have given those skilled in the art the ability to provide multiple results of querying in a markup language environment. This gives users the advantage of receiving accurate results from a query more expeditiously by receiving data that is dynamically generated.

As per claims 2 and 14, Oliver et al. teaches “a delimited token” (see pages 5-6, paragraphs [0114]-[0120]).

As per claims 3-4, Oliver et al. teaches “the symbol is located within the data in the markup language such that the query is associated with a markup language tag” (see page 11, paragraph [0275]).

As per claim 5, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Oliver et al. teaches “at least one rule associated with the markup language tag with which the query is associated” (see page 15, paragraphs [0346]-[0350]).

As per claims 6-7 and 15, Oliver et al. teaches “a set of at least one document in a hierarchically structured format” (see page 14, paragraphs [0319]-[0322], whereas Oliver’s XML illustrates a hierarchically structured format in a fashion similarly to applicant’s claim language).

As per claims 8, 12, 16, and 18 Oliver et al. teaches “the symbol conforms an Extensible Markup Language standard concerning queries” (see page 14, paragraph [0319]).

As per claim 9, Oliver et al. teaches "a database" (see page 7, paragraphs [0155]-[0160]).

As per claim 10, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Oliver et al. teaches "a browser" (see page 10, paragraphs [0242]-[0246]).

As per claim 11, Oliver et al. teaches "rendering is performed by software running on a hand held computing device" (see page 7, paragraphs [0161]-[0163], whereas Oliver's Clickshare combined with a TV with a remote and C-programming language, teaches applicant's claim language above).

As per claim 17, Oliver et al. teaches "updating the data set" (see page 7, paragraph [0147] and page 15, paragraph [0349]).

As per claims 19-23, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1, 5, 12, and 18 respectively and are similarly rejected.

As per claims 24-27, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3, 12 and 22 respectively and are similarly rejected.

Response to Arguments

4. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100